REMARKS

In response to the Office Action dated August 22, 2008, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. The Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-14 are pending in the present Application. Claims 1-14 stand rejected. Claims 1, 6, 7, 9 and 12 have been amended.

No new matter has been entered. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Amendments to the Claims

Claims 1, 9 and 12 have been amended to recite a server-client network system, computer readable medium, or method comprising a client system performing detecting a biochip identifier, and selecting an analysis algorithm relevant to the biochip identifier. The amendment to "detecting a biochip identifier" is supported at least by the Specification on page 4, lines 24-27. The amendment to "selecting an analysis algorithm relevant to the biochip identifier" is supported at least by the Specification on page 6, line 16.

Claims 9 and 12 have been amended to amend "corresponding" to "relevant", supported at least by the Specification on page 6, line 24. In addition, Claims 1, 6, 7, 9, and 12 have been amended for clarity.

Reconsideration and allowance of the claims are respectfully requested.

Rejections under 35 U.S.C. §112

Claims 1-14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserts "corresponding" in Claims 1, 9, and 12 is unclear. The Examiner also asserts that "the client" in Claims 6, 7, 10, and 11 lacks antecedent basis.

Claim 1 has been amended to delete "corresponding", and in Claims 9 and 12 "corresponding" has been amended to "relevant". In addition, Claims 6 and 7 have been amended to recite "the client system", thereby providing proper antecedent basis.

Because the amended claims are clear and are fully supported by the specification, the Applicants overcome the objection by amendment. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 1-14 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by Osborne et al. (WO 01/16860 A2, hereinafter "Osborne").

The Examiner states that Osborne discloses a network system and a method for genetic analysis. (Office Action dated 8/22/2008, p. 4) The Examiner also states that Osborne discloses that "each user facility may include … a user interface to display, manipulate, search, and analyzed [sic] hybridization information." (Office Action dated 8/22/2008, p. 5, citing Osborne, p. 5) Applicants respectfully traverse this rejection.

To anticipate a claim, a reference must disclose each and every limitation of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Osborne discloses a Web server that communicates with a user facility to receive and transmit gene expression information. (Osborne Claim 1 and page 18, lines 1-5) Osborne discloses that each remote or local user facility includes an optical scanning system to collect hybridization signals from a nucleic acid array, an image processing system to convert the optical data into a set of hybridization parameters, a connection to the Internet or other data network, and a user interface to display, manipulate, search, and analyze hybridization information. (Osborne p. 11, lines 7-11) Thus a skilled artisan would understand that Osborne discloses a user facility that is configured to provide gene expression information.

Osborne also discloses that the central data processing facility further includes a database server that stores hybridization profiles and clinical information. (Osborne, p. 13, lines 25-26) In addition Osborne discloses an application server that constructs queries for the database server and performs statistical comparisons between hybridization parameters received by the Web server and hybridization parameters supplied by the database server to diagnose a patient's physiological condition and recommend a method of treatment based on the diagnosed physiological condition. (Osborne, p. 13, line 30 to p. 14, line 2 and p. 5, lines 26 to p. 6, line 1) These relationships and operations are further shown in Figure 1 of Osborne.

Thus one of ordinary skill in the art would understand that the user facility disclosed by Osborne scans a microarray and transfers gene information from the microarray to the web server, and the application server performs functions of data processing, analysis of the hybridization information, diagnosis of a physiological condition, and recommending a treatment method by reference to the database server. One of ordinary skill in the art would also understand that in the system disclosed by Osborne the web server transfers the recommended treatment method to the user facility.

The Applicants disclose that the databases that are provided to the client comprise biochip identifiers (IDs), layouts of the chips, and genotyping algorithms corresponding to the chip IDs. (Specification p. 4, lines 8-11) The client system receives a chip test result and a chip ID, downloads a gene analysis algorithm corresponding to the input chip ID from the database, and then performs genotyping analysis. (Specification p. 6, lines 16, 24, and 27)

Accordingly, independent Claims 1, 9 and 12 recite a server-client network system, computer readable medium, or method comprising a client system, the client system **detecting a biochip identifier, selecting an analysis algorithm relevant to the biochip identifier,** downloading **the selected analysis algorithm** from the analysis algorithm database, and performing the genotyping analysis on the target sample using the downloaded analysis algorithm.

Osborne does not disclose a database storing chip IDs, layouts of the chips, and gene analysis algorithms. Therefore Osborne does not anticipate independent Claims 1, 9 and 12.

Claims 2-8, 10-11, and 13-14 depend directly or indirectly from Claims 1, 9 or 12, thus are also patentable for at least these reasons, and hence the added patentable distinction provided thereby is not set forth herein but is hereby noted.

For at least these reasons, the Applicants submit that the instant claims are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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